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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,297	08/31/2001	Manoel Tenorio	020431.0922	2037
53184 7590 05/18/2007 i2 TECHNOLOGIES US, INC. ONE i2 PLACE, 11701 LUNA ROAD DALLAS, TX 75234			EXAMINER CHEUNG, MARY DA ZHI WANG	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/945,297

Applicant(s)

TENORIO, MANOEL

Examiner

Mary Cheung

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. This action is in response to the amendment filed on April 3, 2007. Claims 1-29 are pending. Claims 2, 11 and 20 are amended. Claims 1-29 are examined.

Response to Arguments

2. Applicant's arguments filed April 3, 2007 have been fully considered but they are not persuasive.

In response to the applicant's arguments that Haji (US 2002/0035511 A1) fails to teach receiving a pricing tool from a seller, examiner respectfully disagrees. Haji teaches user receives the pricing tool from a server for calculating the price of the selected items (§§ 11, 75), and the server in Haji's teaching corresponds to the "seller" of the claimed limitation. Haji explicitly gives an example of the functions that the server performs: "a system for receiving orders and selling personal computers and their peripheral equipment through the Internet is introduced" (§§ 70). Thus, Haji teaches the limitation of receiving a pricing tool from a seller.

In response to the applicant's arguments that Halperin (US 6,105,004) fails to teach the purchase information relate to the quantities of one or more item, Halperin specifically states "A display screen 33 shows purchase information, such as the item price, quantity, and the subtotal of all items already selected" (column 4 lines 1-3).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

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where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is general knowledge available to one of ordinary skill in the art to include the quantities of items for a specified orders.

Since Applicant(s) did not seasonably traverse the Official Notice statement(s) as stated in the previous Office Action (mailed on January 4, 2007), the Official Notice statement(s) are taken to be admitted prior art. See MPEP §2144.03.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haji et al., US 2002/0035511 A1 in view of Halperin et al., US 6,105,004.

As to claims 1 and 28, Haji teaches a system comprising one or more computer associated with a buyer for locally generating price quotes, the one or more computers associated with the buyer collectively operable to (¶ 11, 75 and Figs. 1-2):

a) Receiving a pricing tool from a seller, the price tool operable to generate price quotes for the seller (¶ 70-75 and Figs. 1-2; “seller” corresponds to “Server” as shown in Fig. 1 of Haji);

- b) Locally store the pricing tool received from the seller such that the pricing tool is locally accessible to the one or more computers associated with the buyer (§ 70-75 and Figs. 1-2; *“buyer” corresponds to “Receiving terminal” as shown in Fig. 1 of Haji*);
- c) Access a request for quote (RFQ) specifying an order, the RFQ requesting a price quote for the order (§ 74 and Fig. 2);
- d) Communicate the RFQ to the locally accessible pricing tool (§ 74 and Fig. 2);
- e) Using the locally accessible pricing tool received from the seller, locally generate a price quote for the order (§ 74 and Fig. 2);
- f) Providing the locally generated price quote for the order for possible further action by the buyer (§ 74-76 and Fig. 2).

Haji does not specifically teach the specified order comprising quantities of one or more items. However, Halperin teaches pricing an order including calculation of quantities of the ordered items (column 4 lines 1-4 and column 5 lines 37-45 and Figs. 5-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the specified order in Haji's teaching to include quantities of the ordered items as taught by Halperin so that the buyer can have better idea of the total costs of the order that have multiple purchased items.

As to claim 2, Haji in view of Halperin teaches price tool as discussed in claim 1 above. Haji in view of Halperin does not specifically teach the pricing tool is encrypted to prevent the pricing tool from being used to determine how price quotes are calculated. Examiner takes Office Notice that encrypting information for preventing

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unauthorized parties from revealing the information is old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to allow the pricing tool in the teachings of Haji modified by Halperin to be encrypted for better protecting the information associated with the pricing tool.

As to claim 3, Haji in view of Halperin teaches the one or more computers receiving pricing tool from a seller as discussed in claim 1 above. Haji in view of Halperin does not specifically teach the one or more computers are operable to receive a plurality of pricing tools from a plurality of sellers. Examiner takes Office Notice that it would have been obvious to one of ordinary skill in the art to allow the teachings of Haji modified by Halperin to include the feature of the one or more computers are operable to receive a plurality of pricing tools from a plurality of sellers for promoting multiple sellers sell their products.

As to claim 4, Haji in view of Halperin teaches a buyer purchase items from a seller as discussed above. Haji in view of Halperin does not specifically teach a buyer group comprising two or more buyers buying items as a single entity. Examiner takes Office Notice that it would have been obvious to one of ordinary skill in the art to allow the teachings of Haji modified by Halperin to include the feature of a buyer group comprising two or more buyers buying items as a single entity for sharing better price of the purchased items.

As to claim 5, Haji further teaches determining validation of the pricing information received from the buyer by the seller, and the pricing information is valid only if the pricing tool is the latest version; and if the pricing information is invalid or

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outdated, recalculation is performed based on the updated price tool (§ 88-91). Haji does not specifically teach the buyer will receive the updated version of the pricing tool. However, since Haji teaches the pricing information is valid only use the latest version of the pricing tool (§ 89) and the pricing information is calculated in real time (§ 83), it would have been obvious to one of ordinary skill in the art to allow the buyer to receive the latest version of the pricing tool for accurately calculate the pricing information.

As to claim 6, locally generate a price quote for a modified order is taught by Haji as a price quote is locally generated based on the buyer's various of selections of the order (§ 74 and Fig. 2).

As to claim 7, Haji further teaches automatically calculating the price quote locally in real time (§ 83), and the price quote is valid only use the latest version of the pricing tool (§ 89). Haji does not specifically teach the modifications to the order are made automatically. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the modification of the order in Haji's teaching to be made automatically for accurately calculating the most recent price.

As to claim 8, iteratively modify the order and locally generate corresponding price quotes is taught by Haji as corresponding price quotes are locally generated based on the buyer's various of selections of the order (§ 74 and Fig. 2).

As to claim 9, Haji teaches the one or more computers are collectively operable to locally generate the pricing quote independent of the communication with the seller subsequent to receiving the pricing tool from the seller (§ 75).

Claims 10-27 and 29 are also rejected by Haji in combination with Halperin as discussed in claims 1-9 and 28 because they are not patentably distinct between claims 10-27, 29 and claims 1-19, 28.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300	(Official Communications; including After Final Communications labeled "BOX AF")
(571) 273-6705	(Draft Communications)

Mary Cheung
May 10, 2007



**MARY D. CHEUNG
PRIMARY EXAMINER**